REVISED VERSION

OF

REMARKS/ARGUMENTS

SENT IN RESPONSE TO THE

FIRST OFFICE ACTION NOTICE

OF MAY 17, 2004

(EXTRACT)

REVISED REMARKS/ARGUMENTS TO OFFICE ACTION NOTICE OF MAY 17, 2004.(CLARIFYING EXTRACT)

Prior Art Patents

The misunderstanding that led the Examiner to compare the dancing toy lollipop object of the present patent application with those listed in the Action Notice of 5/13/2004, which are mostly related to candy driving holders, was mainly due to the misuse of the terms above mentioned and other mistakes within the original versions of the Specification and the Claims, many of them pointed out by the Examiner.

In the Office Action Notice of 05/17/2004, according to the Examiner, the Dancing toy lollipop object of the present application was anticipated, particularly, by the Lollipop holder patented in 1996 by Liaw, and in general by some other patented inventions. However, during the search previous to the submission of his application, the applicant found and analyzed almost all of the patents listed in the Action Notice of 5/13/2004, and neglected them based in the fact that those inventions are related to a different field which refers to driving candy holders, except in the case of the Safety Lollipop patented by Davis in 1966. During a phone conversation held with the Examiner, the applicant explained the true object of his application. Nevertheless, having analyzed the Examiner's remarks contained in the Action Notice of 5/13/2004, the applicant realizes that the Examiner is right regarding the improper use of some of the terms whose replacement is being proposed, and furthermore, found other terms, also subjected to amendment, which were improperly used and misleading, being said improper use of terms the main reason for the misunderstanding.

Nevertheless, in the following paragraphs, which are also added within the Amended Marked up Specification and the Substitute Specification as new added paragraphs, the applicant discusses in detail each of the Examiner's observations included in the Action Notice of 05/13/2004.

In all listed prior art patented candy holders, when the author claims or teaches any novel element or features apparently similar in name or function to some mentioned in the present application, such elements or features are completely different in location, function and purpose, due to the fact that they refer to candy holders which are mainly intended to transmit amusing movements to conventional lollipops, whose holding sticks are inserted into said driving candy holders.

Thus, when Liaw, in his Lollypop holder, US patent No. 5,536,054 issued on July 1996, describes an upper end portion and an open cavity, said upper end portion is located at the top end of his candy holder and said open cavity is located in said upper end portion, being its purpose to receive the free end of the stick of a conventional or novelty lollipop to make the candy lollipop, as a whole, to perform a certain pattern of motion caused by the candy holder object of his invention, while in the present application, the cavity is located inside the edible part of a novel type of lollipop, and its purpose is to provide an opening for its loose assembling to the lollipop stick, thereby converting the edible piece into a movable element relative to the lollipop stick, and not the lollipop candy as a whole, when the candy is held and manually moved in any way by the user, while, in turn, the lollipop stick is converted into an independent disposable or reusable holding element for the movable edible pieces.

Therefore, when Liaw teaches the candy holder with all its components, he refers to the main object of his invention which is to hold and actively cause the movement of conventional lollipops as a whole, by means of the candy holder which is in fact a certain type of powered driving device.

Contrary to Liaw's and many other inventions, which refer to candy holders driving devices, the present application refers to a simple lollipop with a edible piece assembled to a holding stick almost as in conventional lollipops, but with the essential difference that, instead of being tight and rigid as in conventional lollipops, the union between the edible piece and the stick, is loose, in order to allow, (not to cause, as most lollipops holders do), the free movement of the edible piece in relation to said holding stick, when the candy, alone as a whole, is subjected to

movement caused by the user's hand holding the stick of the lollipop, as a simple funny toy, or by the user's tongue, inside his/her mouth, when the dancing toy lollipop is licked and/or sucked by the user, behaving said novel lollipop in a way very similar to common candies not rigidly attached to a stick as conventional lollipops.

On the other hand, when Liaw and others mention and describe retaining means, they refer to elements located in the cavity of a candy driving holder device, with the purpose of retaining securely in position the holding stick of conventional lollipops inserted into the holder device cavity or, alternately, in the case of candy holders with male holding elements in the form of stems, they refer to secure means to retain tightly and securely attached candy pieces of female configuration to match the holder stem, while in the present application, the retaining means are located or related to the stick of the lollipop, and their purpose is to retain one or more movable edible pieces of the lollipop loosely assembled to said lollipop holding stick, and not to any driving holder device.

Furthermore, the retaining means of the holding stick, combined with the interior cavity of the movable edible pieces integrating together the present application, provide, not a tight, but a loose union between both parts, with the purpose to allow, in a passive way, a great variety of free motions of the edible pieces of the lollipop in relation to its holding stick, when the candy toy is moved manually by the user.

Coleman et al. have patented many different candy holders devices, such as the Novelty candy holder and dispenser, US patent No. 5,874,119, issued on February 1999, the Swirlee pop, US patent No.5,921,841, issued on July 1999, and the Nearly headless noisemaker candy toy, US patent No.6,402,580, issued on June 2002, with a great variety of innovations, but all of them refer to electrical or mechanical driving candy holders whose main purpose is to securely hold conventional lollipops and actively cause their movement in diverse amusing patterns, including other novelties always related to the holding devices.

Filo et al, invented a Sound-transmitting amusement device and method, US patent No.5,902,167, issued on May1999, but his invention comprises sound emission devices, related, like in the previous prior art inventions, to candy holders as separate devices that are connected in different ways to conventional lollipops.

Finally, the only prior art patent truly related to the field of the object of the present application within those listed in the Action Notice of 5/13/2004, is the Safety Lollipop, invented by Davis, US patent No.3,264,115, issued on August 1966, that comprises a novel lollipop articulated stick which refers to a novel lollipop candy and not to a holding driving device. However, in his invention, the edible piece of the lollipop is tightly attached to the holding stick, like in known lollipops. Hence, the only similarity of Davis' invention with the dancing toy lollipop object of the present application is that both refer to the same general field of lollipops or candies provided with holding elements.

The applicant respectfully considers that the above discussion shows that the dancing toy lollipop with its novel features object of the present application has not been really anticipated by any prior patented invention, as it could seem at first sight mainly due to all the mistakes contained in the original versions of the Specification and the Claims.

FIG. 1B

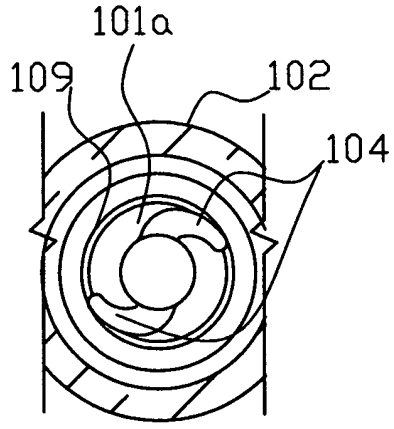
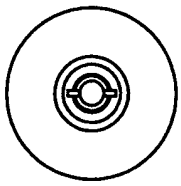
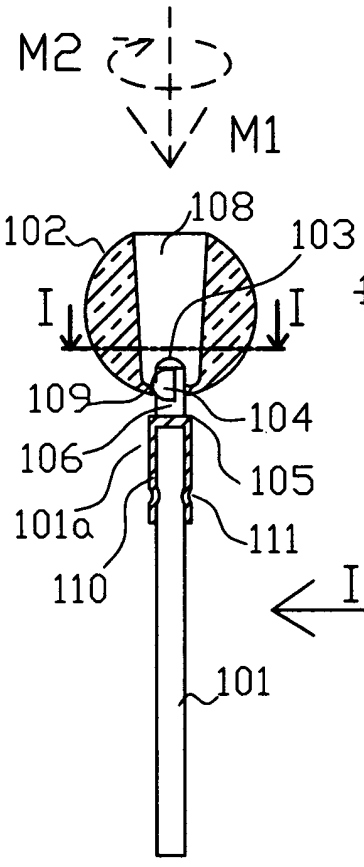
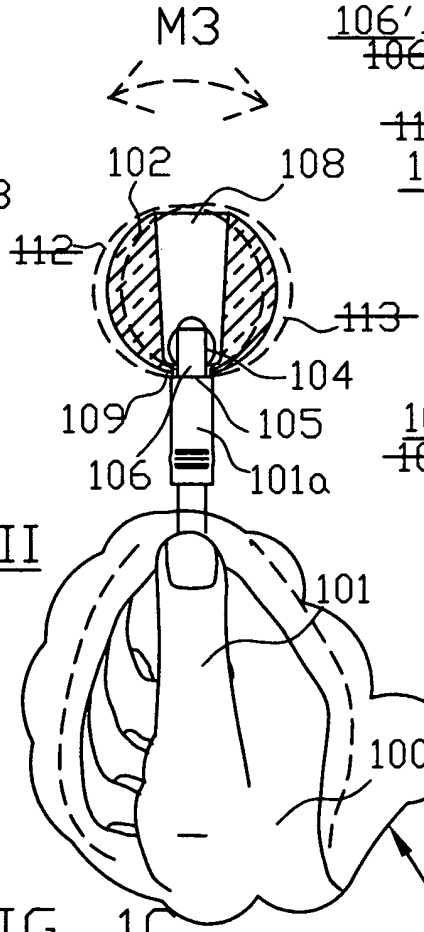


FIG. 1D







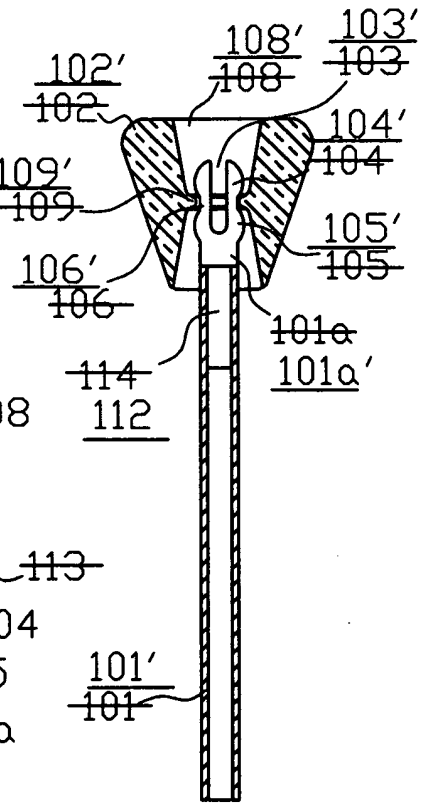


FIG. 1E

FIG. 1A

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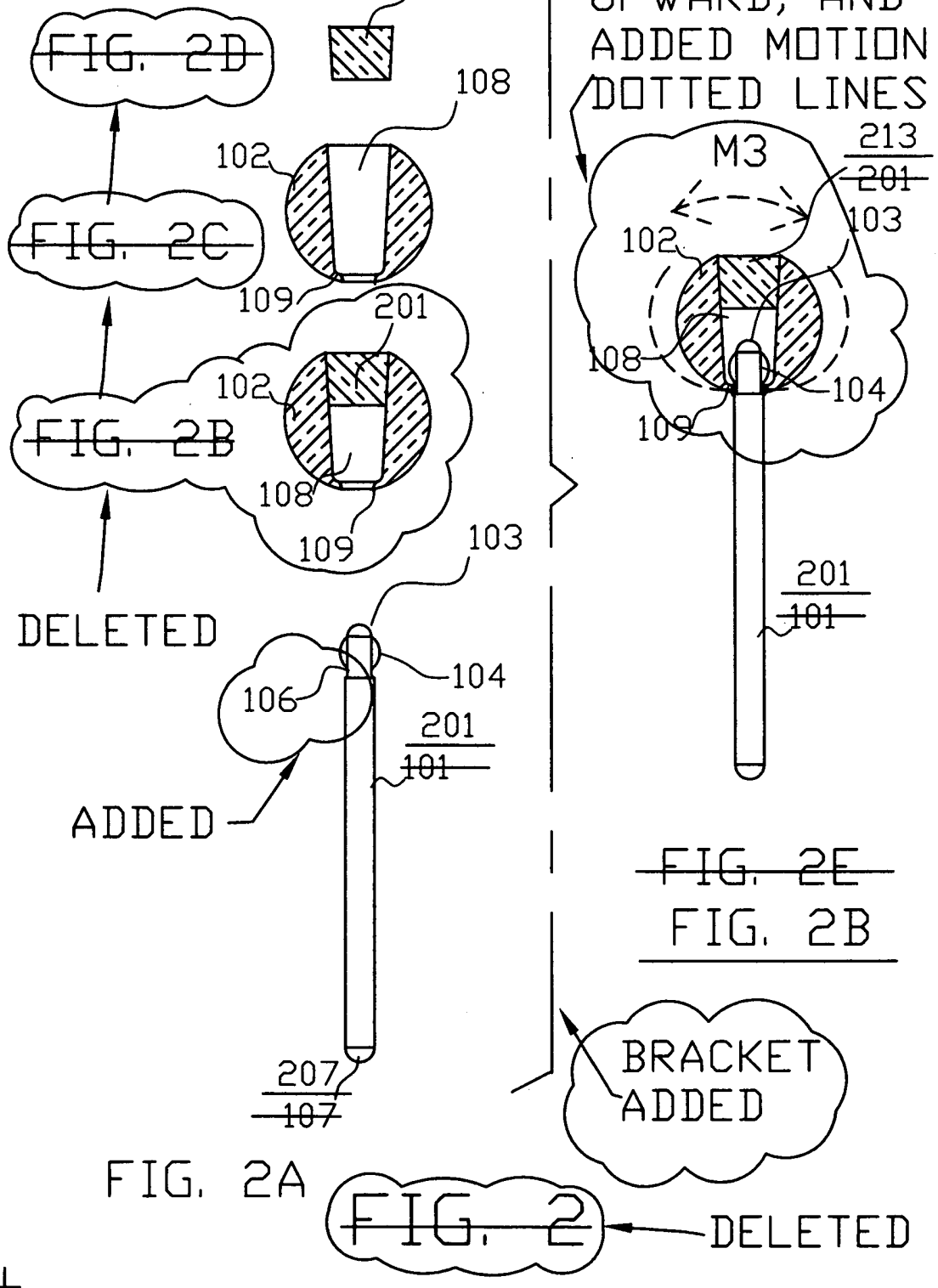
HAND 100

FIG. 1C

~~FIG. 1~~ DELETED

~~2/21~~ 2/17


213
~~201~~
PART 102 DISPLACED UPWARD, AND ADDED MOTION DOTTED LINES
~~FIG. 2D~~
108
102
~~FIG. 2C~~
109
201
102
~~FIG. 2B~~
108
109
DELETED
103
104
106
201
~~101~~
ADDED
207
~~107~~
~~FIG. 2A~~
M3
213
~~201~~
103
102
108
104
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201
~~101~~
~~FIG. 2E~~
FIG. 2B
BRACKET ADDED
~~FIG. 2~~
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~~3/213/17~~

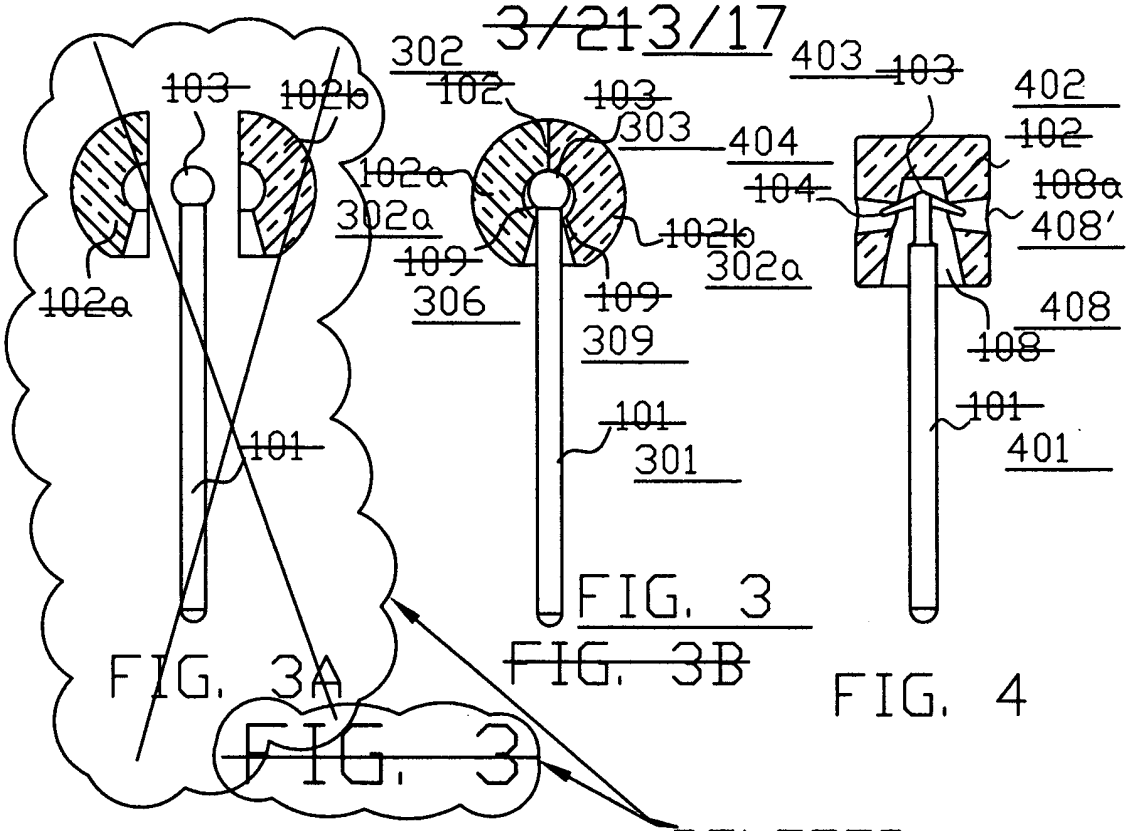

FIG. 3A

~~FIG. 3~~

FIG. 3

~~FIG. 3B~~

FIG. 4

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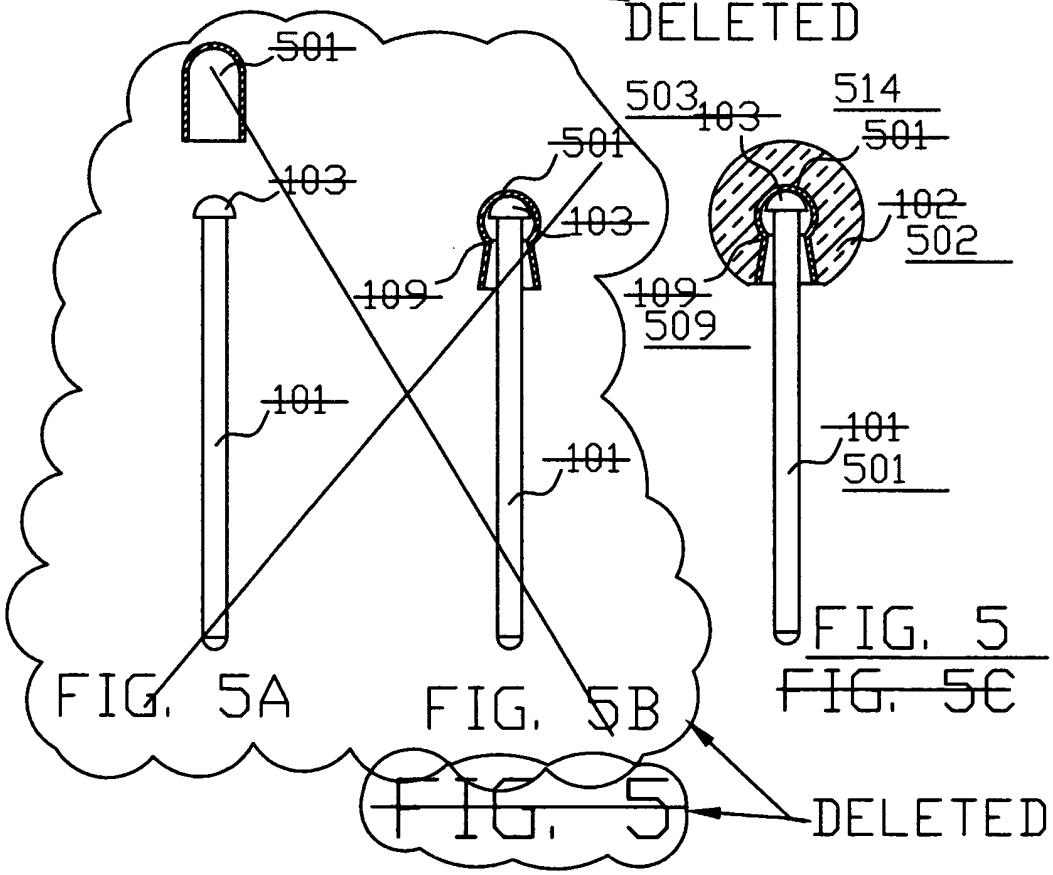

FIG. 5A

FIG. 5B

FIG. 5

~~FIG. 5C~~

~~FIG. 5~~

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~~4/21~~ 4/17

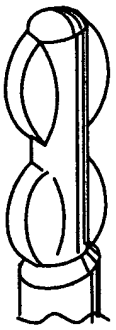
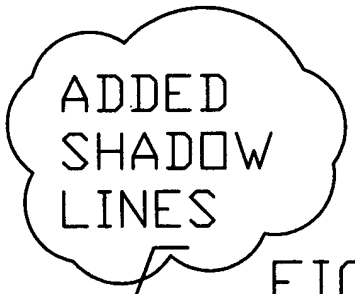


FIG. 6A



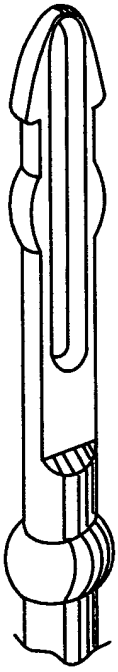


FIG. 6B

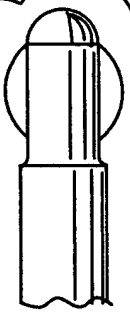


FIG. 6C

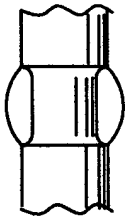


FIG. 6D

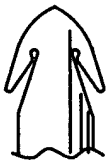


FIG. 6E

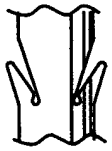


FIG. 6F

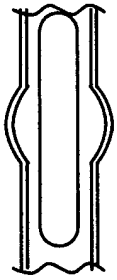
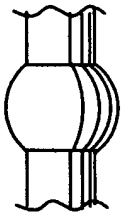


FIG. 6G

FIG. 6H



~~FIG. 6J~~

FIG. 6I

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~~FIG. 6~~

~~5/21~~ 5/17

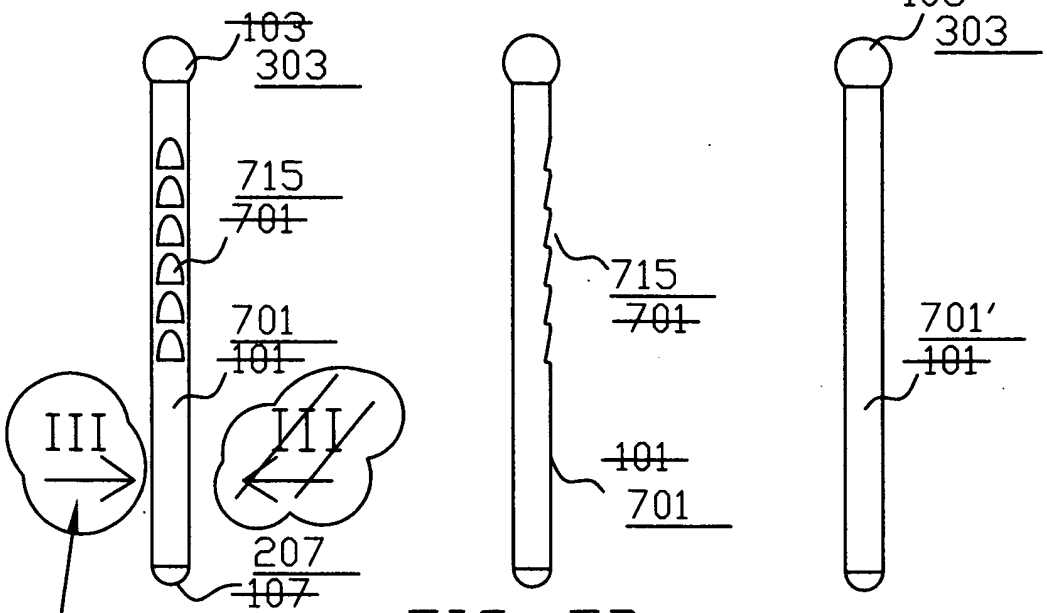

FIG. 7A FIG. 7B FIG. 7C

VIEW INVERTED

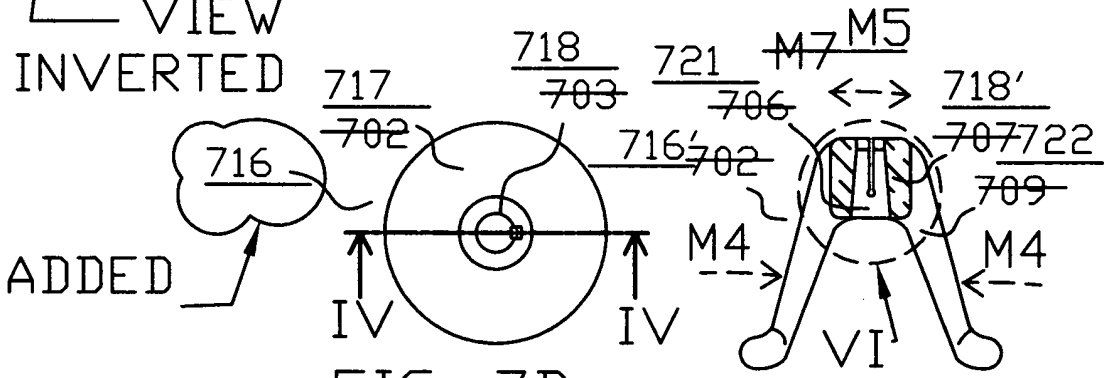

FIG. 7D FIG. 7G

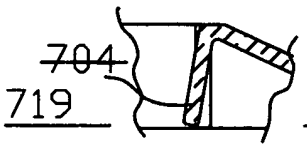

FIG. 7F

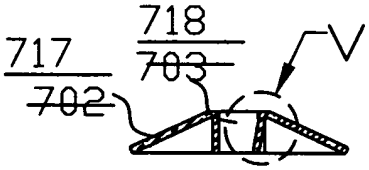

FIG. 7E

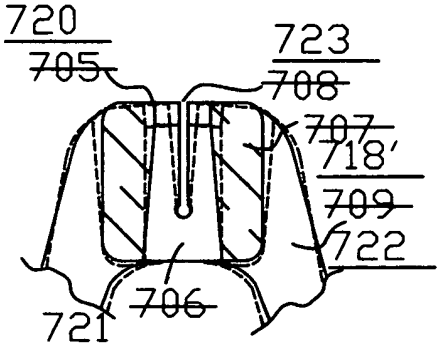

FIG. 7H

~~FIG. 7~~ DELETED

~~6/21~~ 6/17

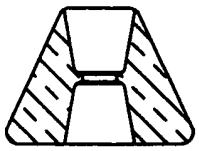

FIG. 8A

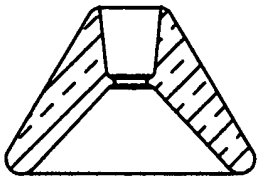

FIG. 8B

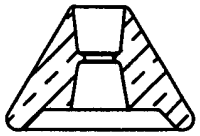

FIG. 8C

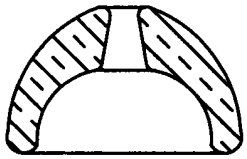

FIG. 8D

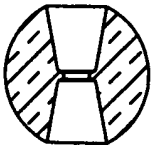

FIG. 8E

FIG. 8F

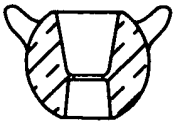

FIG. 8G

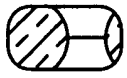

FIG. 8H

~~FIG. 8~~ ← DELETED

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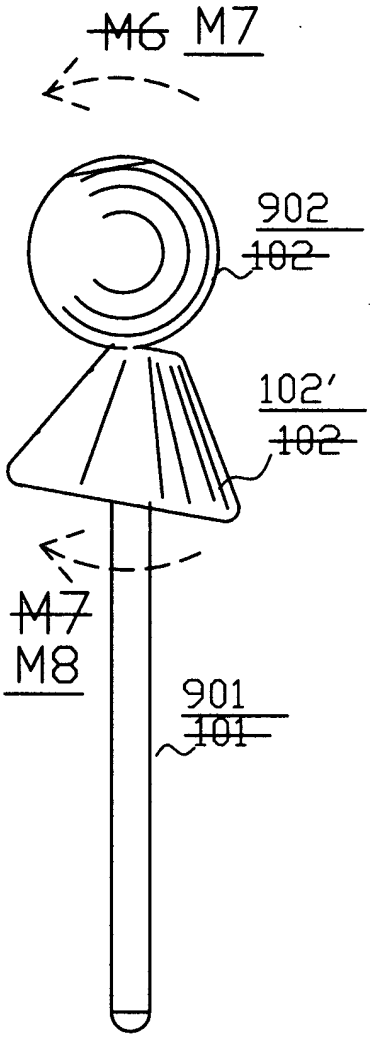

FIG. 9B

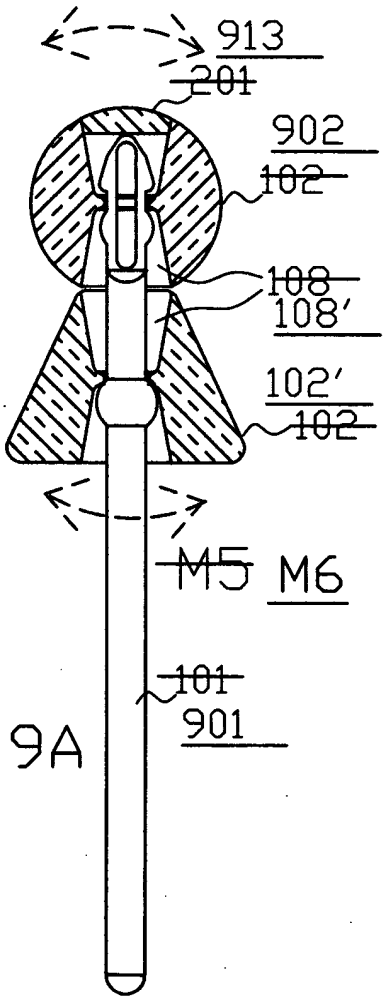

FIG. 9A

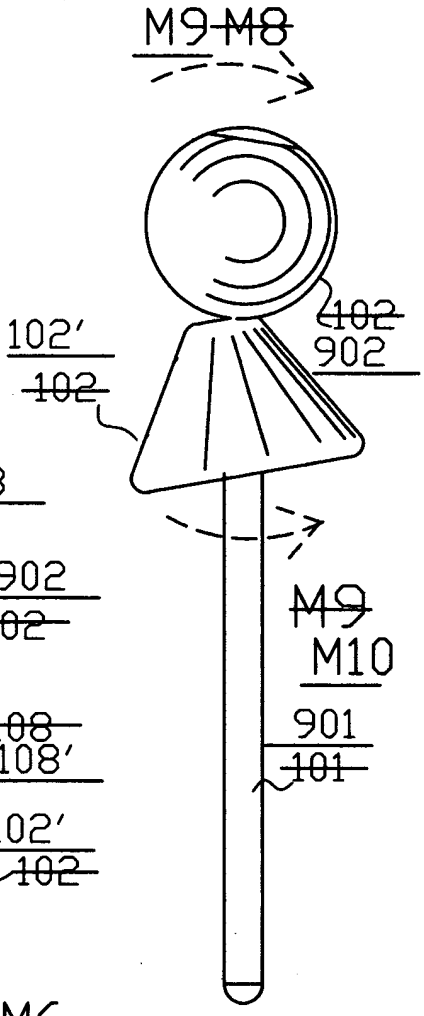

FIG. 9C

~~FIG. 9~~ ← DELETED

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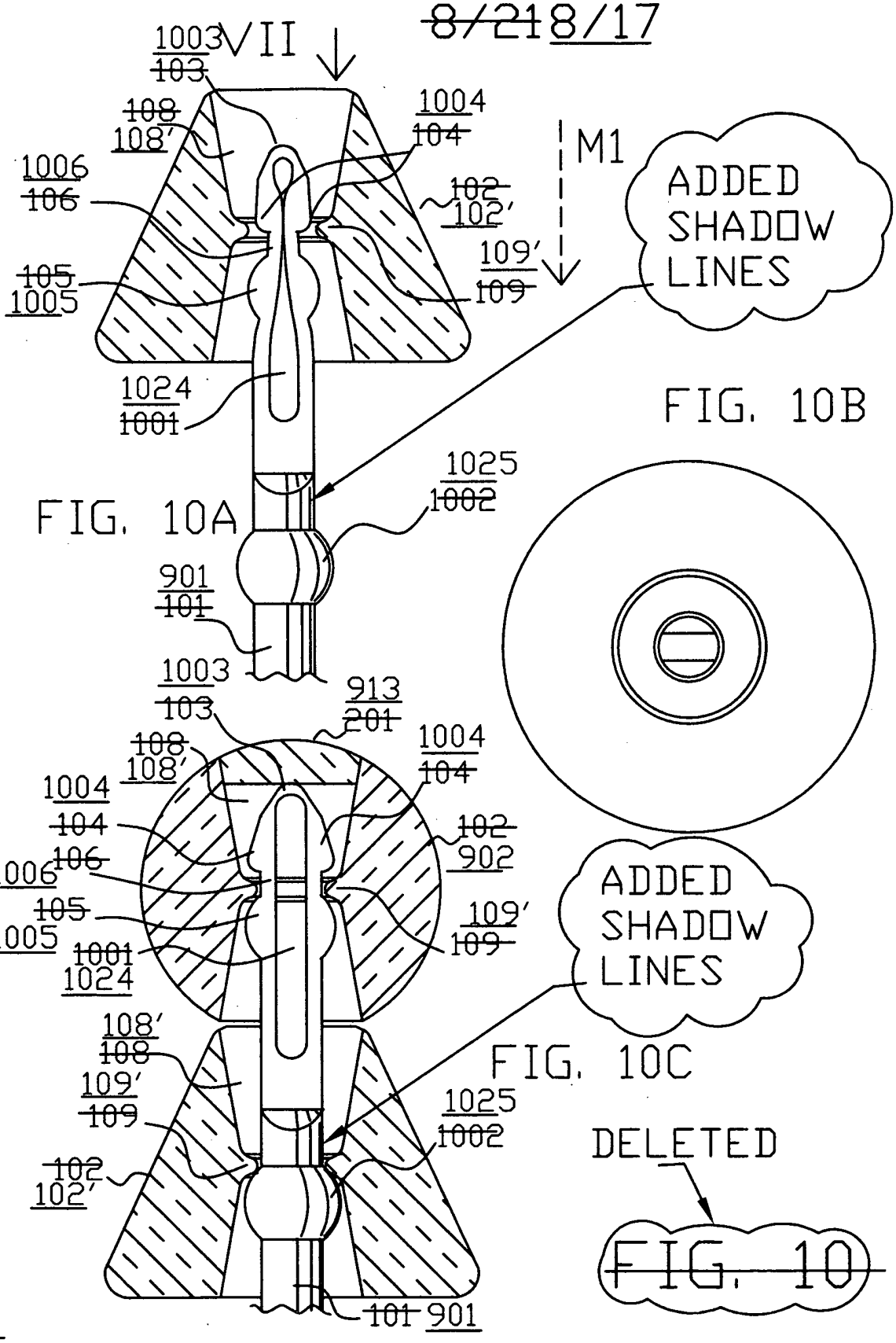

FIG. 10A

FIG. 10B

FIG. 10C

~~FIG. 10~~

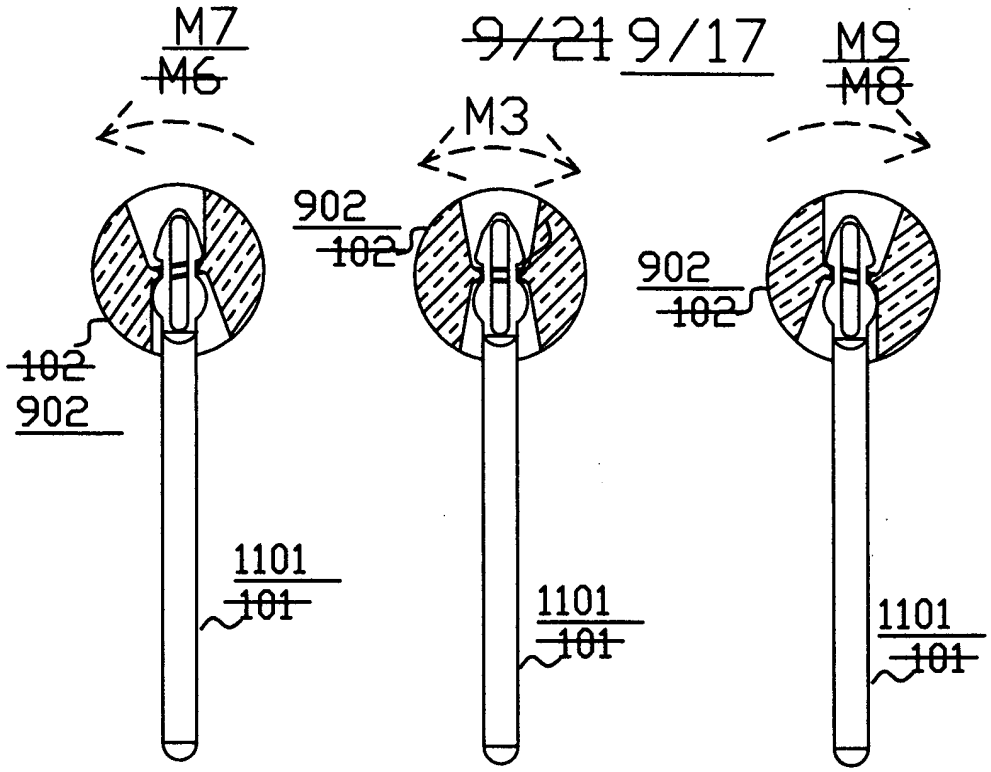

FIG. 11B FIG. 11A FIG. 11C

FIG.11 DELETED

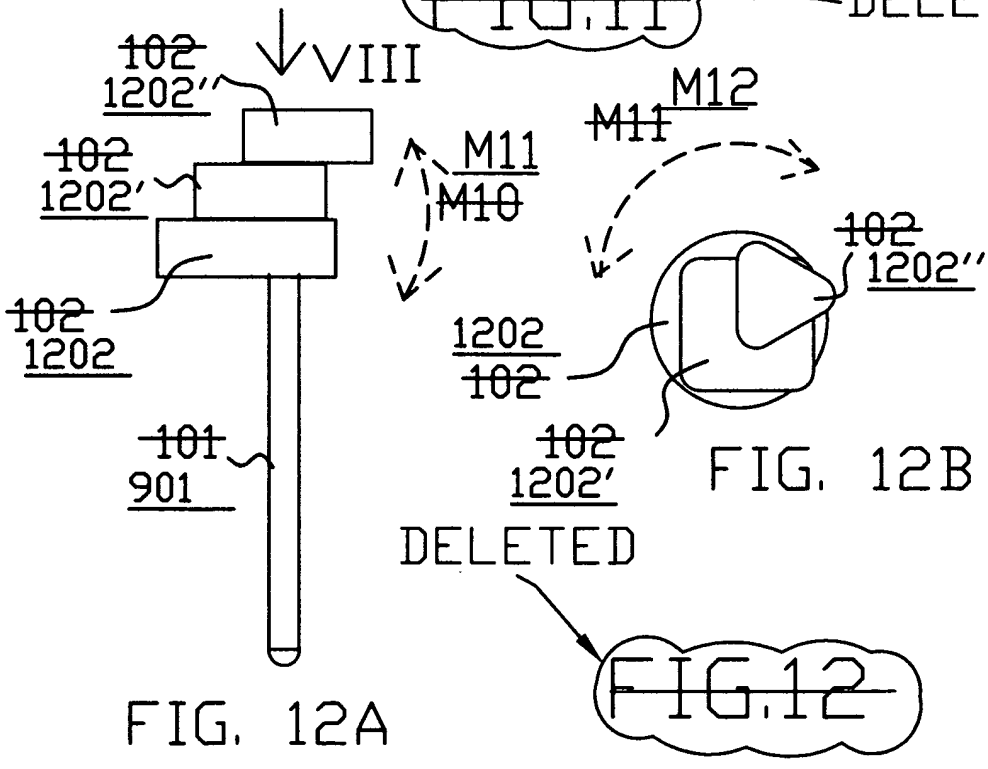

FIG. 12A FIG. 12B

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FIG.12

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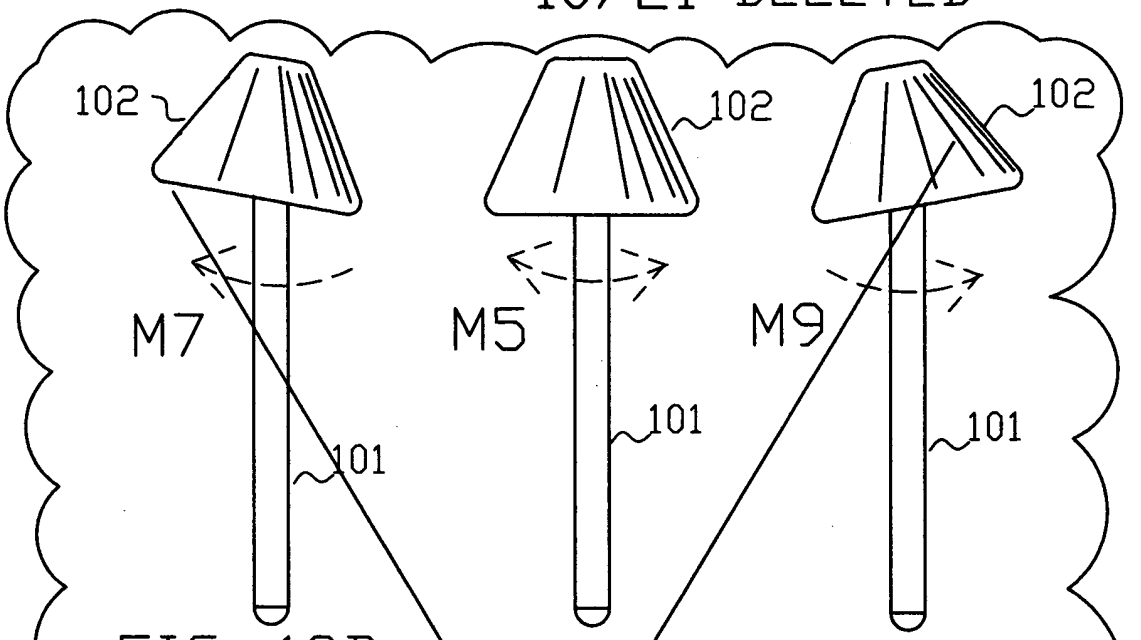

FIG. 13B FIG. 13A FIG. 13C

FIG.13

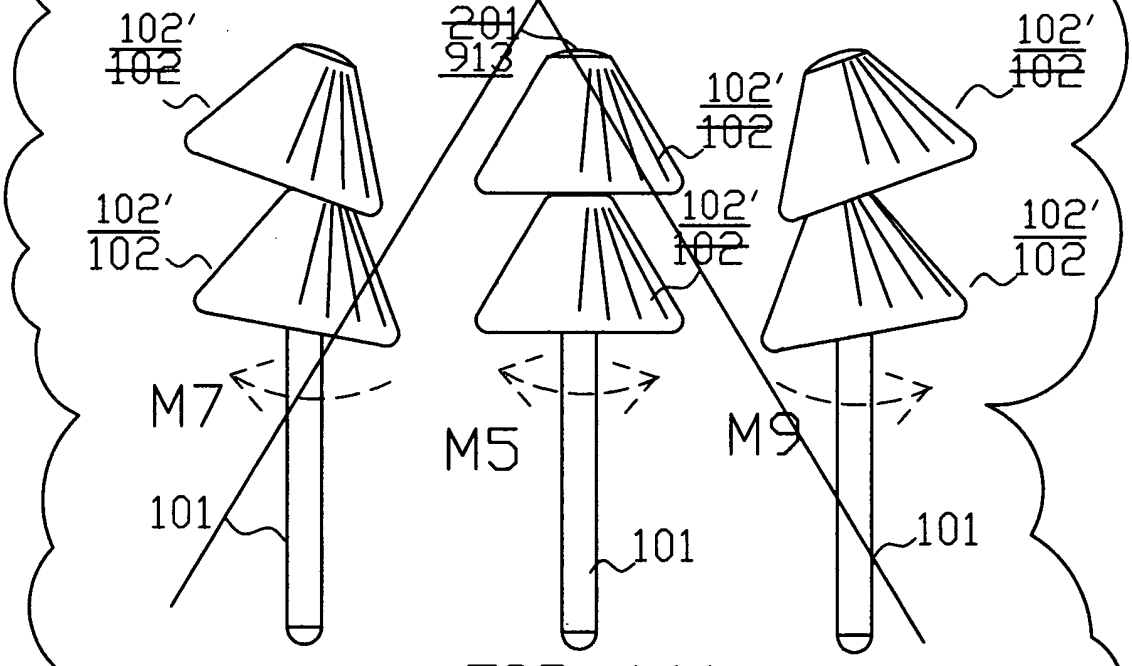

FIG. 14B FIG. 14A FIG. 14C

FIG.14

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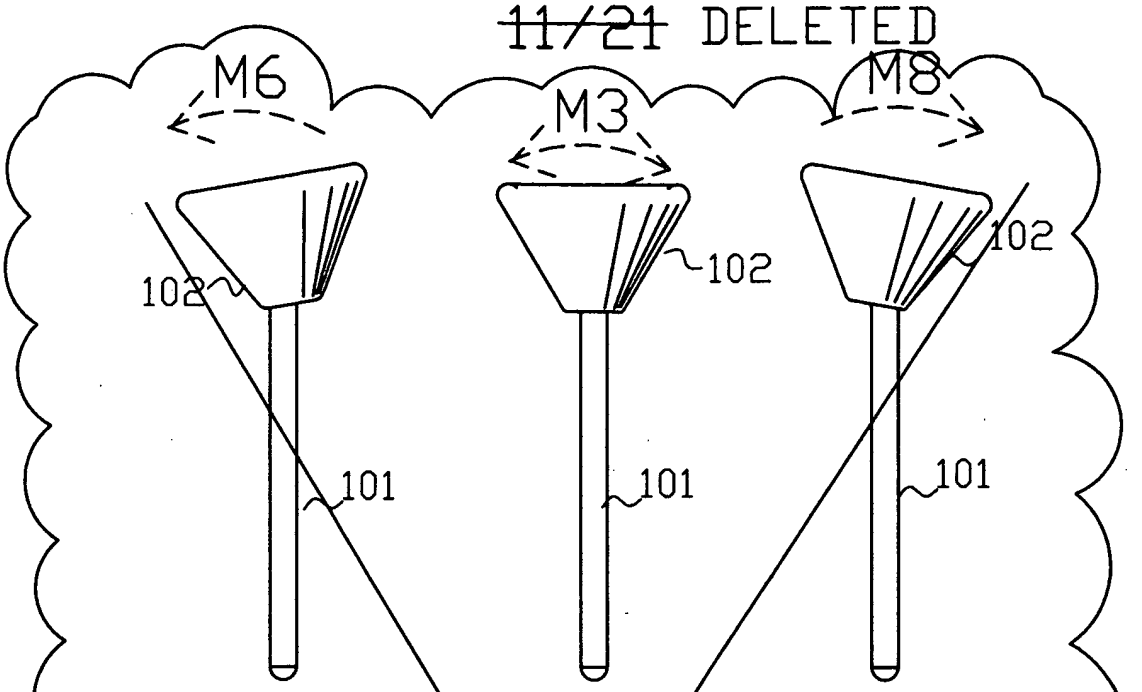

FIG. 15B FIG. 15A FIG. 15C

FIG.15

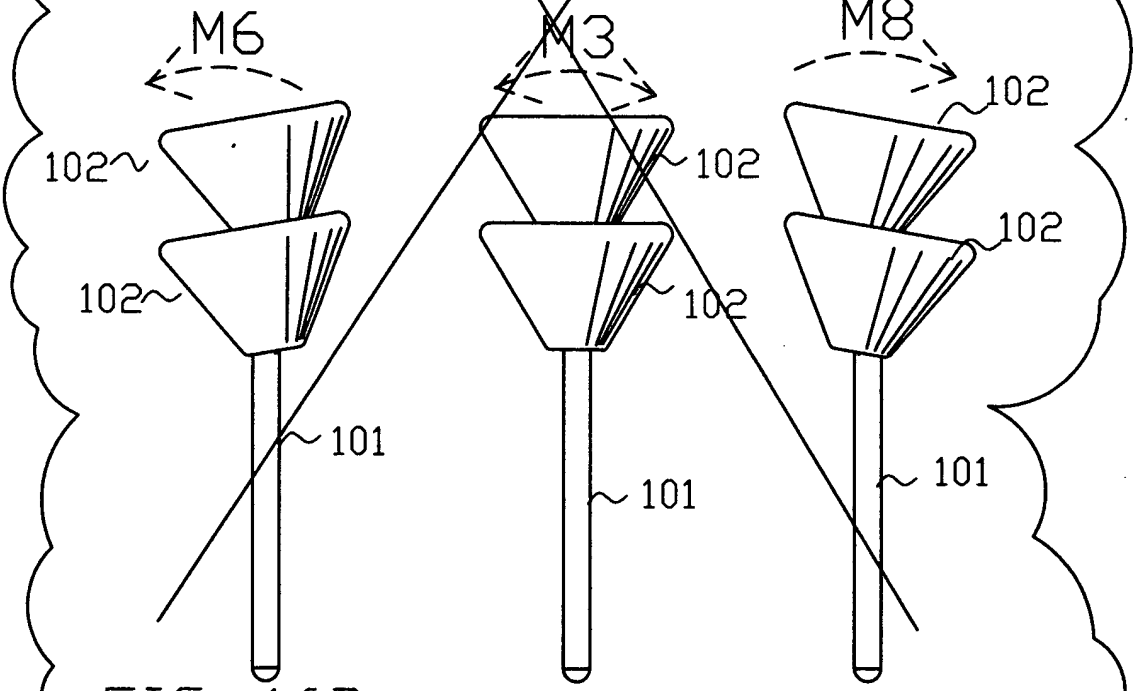

FIG. 16B FIG. 16A FIG. 16C

FIG.16

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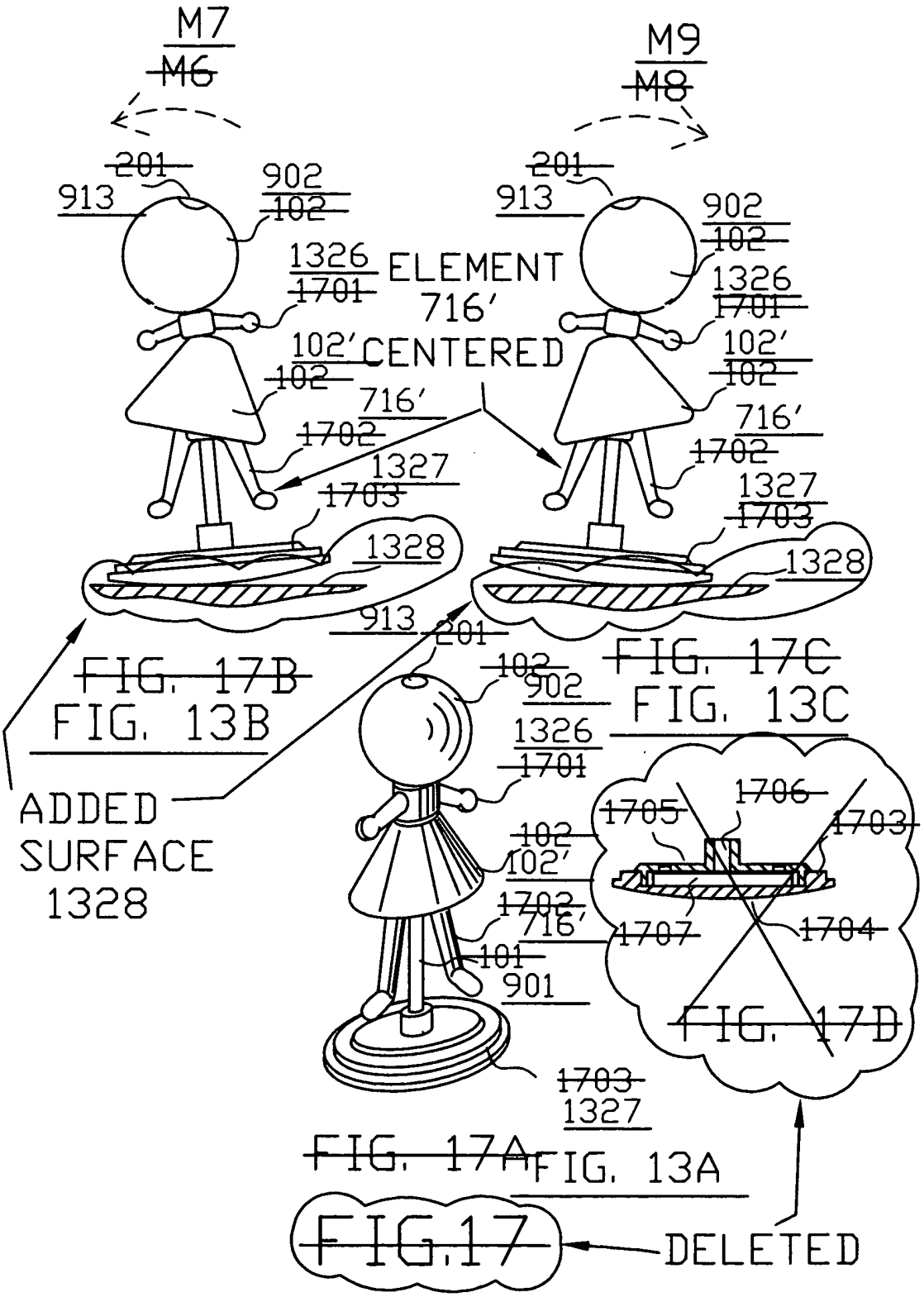

~~FIG. 17B~~
FIG. 13B

~~FIG. 17C~~
FIG. 13C

~~FIG. 17D~~

~~FIG. 17A~~ FIG. 13A

~~FIG. 17~~ ← DELETED

APPL. No.10/698,231 CONFIRMATION No. 2309
Amdt. Dated Feb. 21, 2006
Reply to Office Action of Jan. 31, 2006
Annotated Sheet Showing Changes

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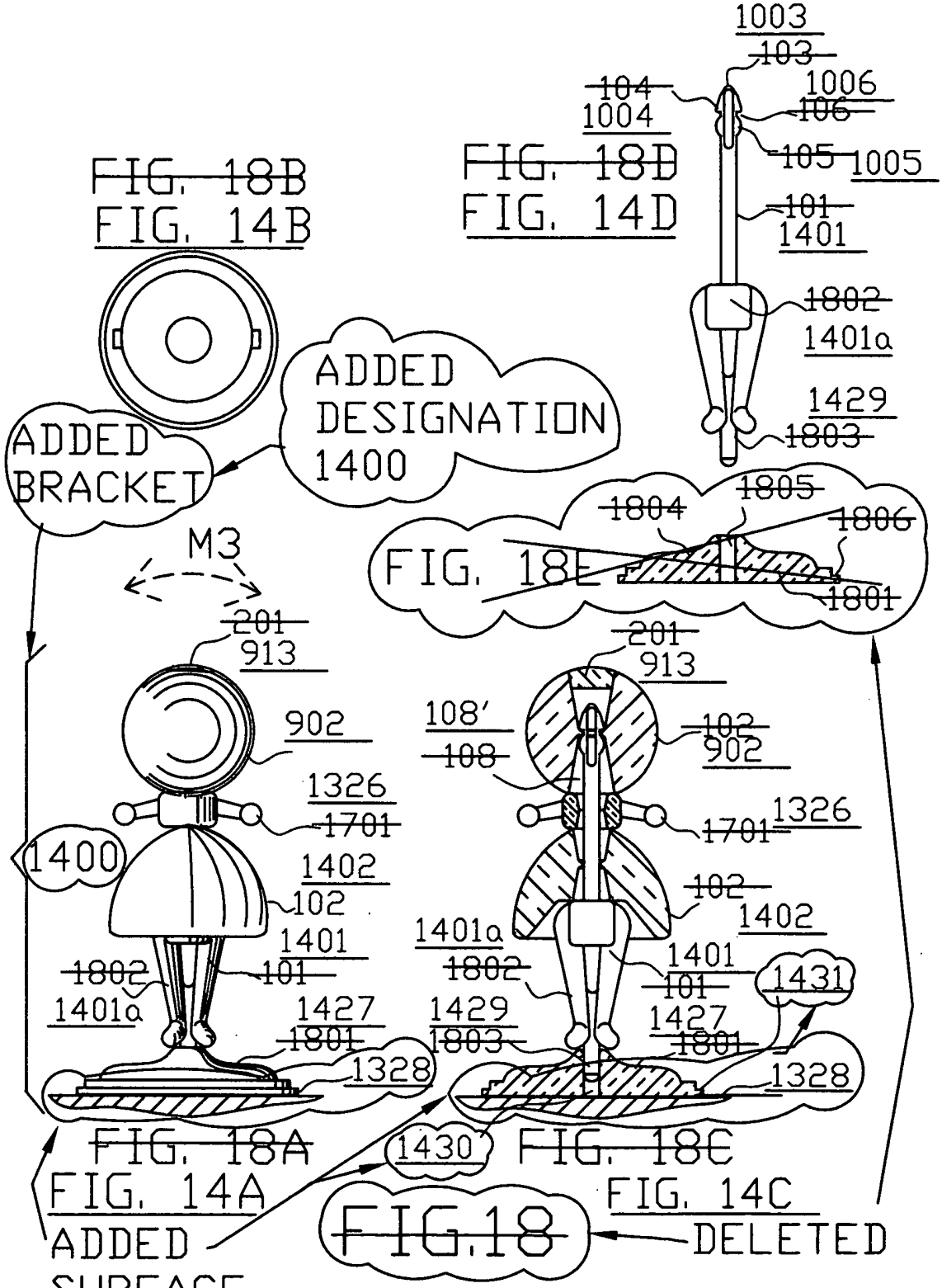

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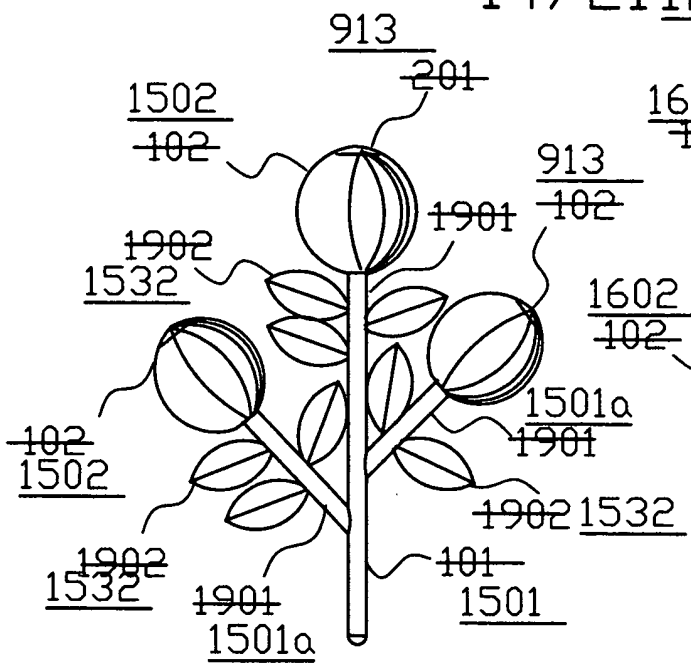
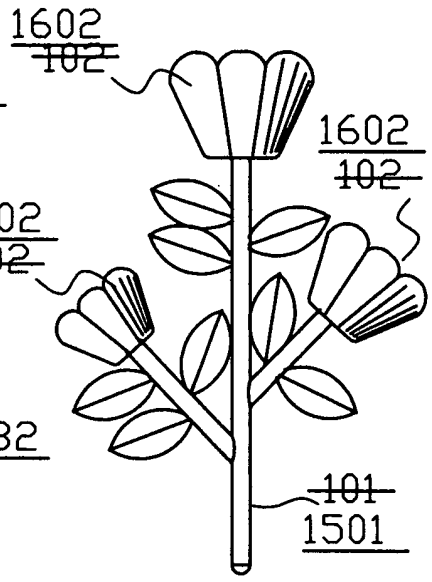
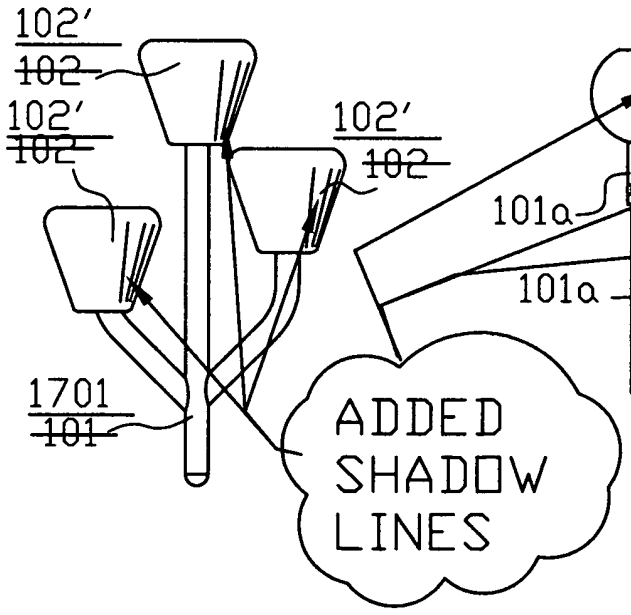


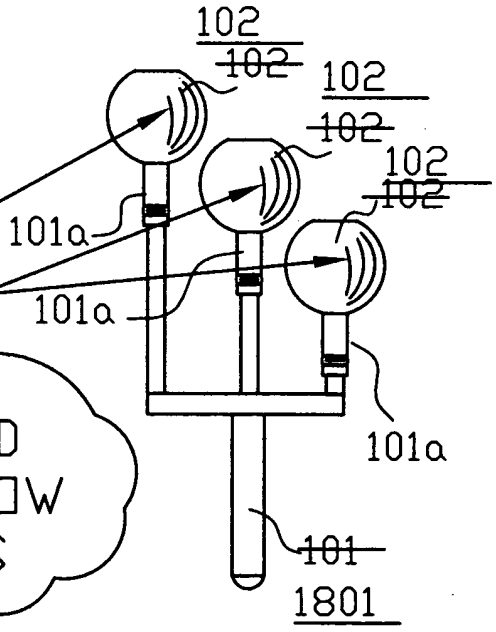
~~FIG. 19~~
FIG. 15



~~FIG. 20~~
FIG. 16

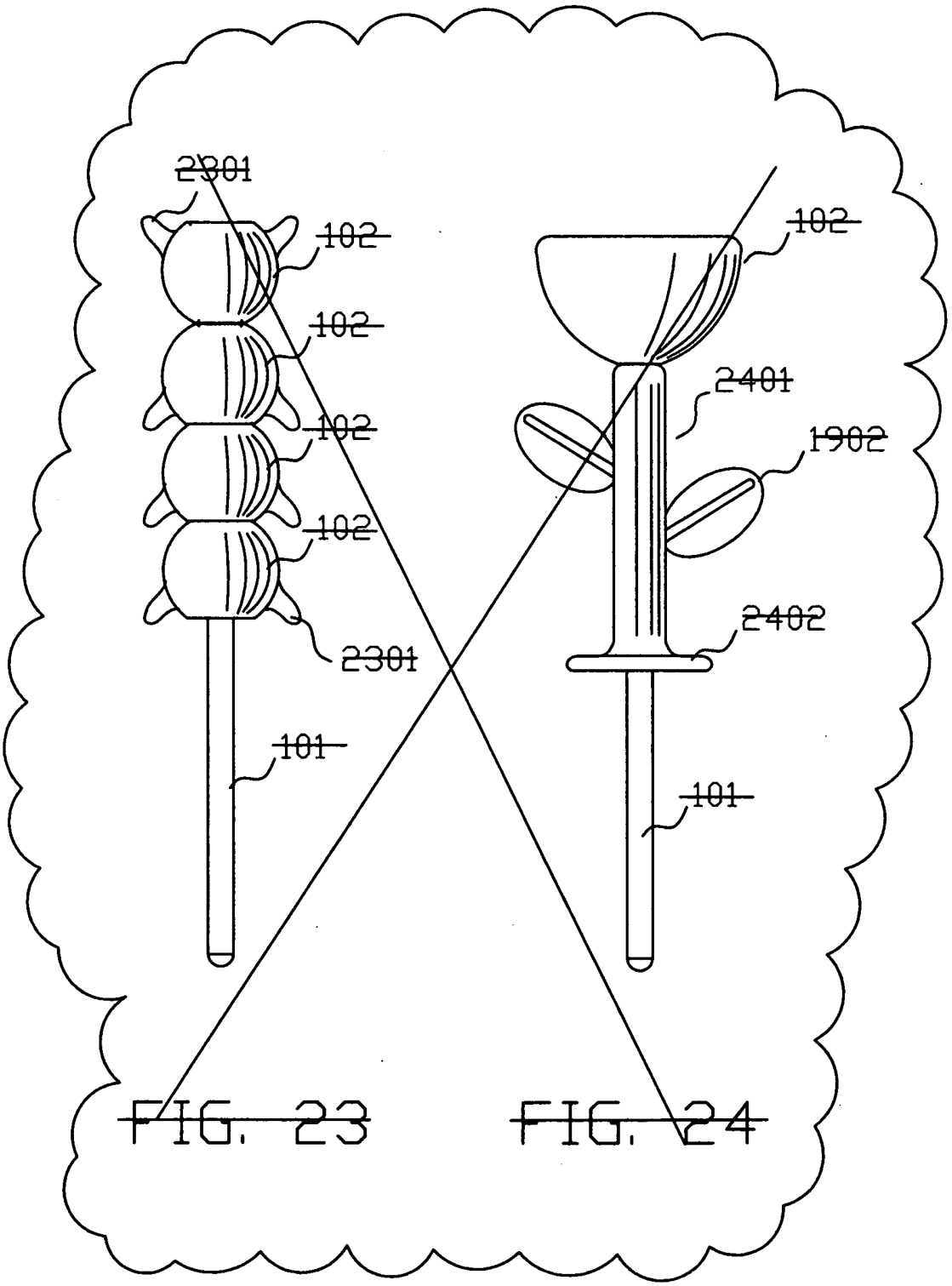


~~FIG. 21~~
FIG. 17



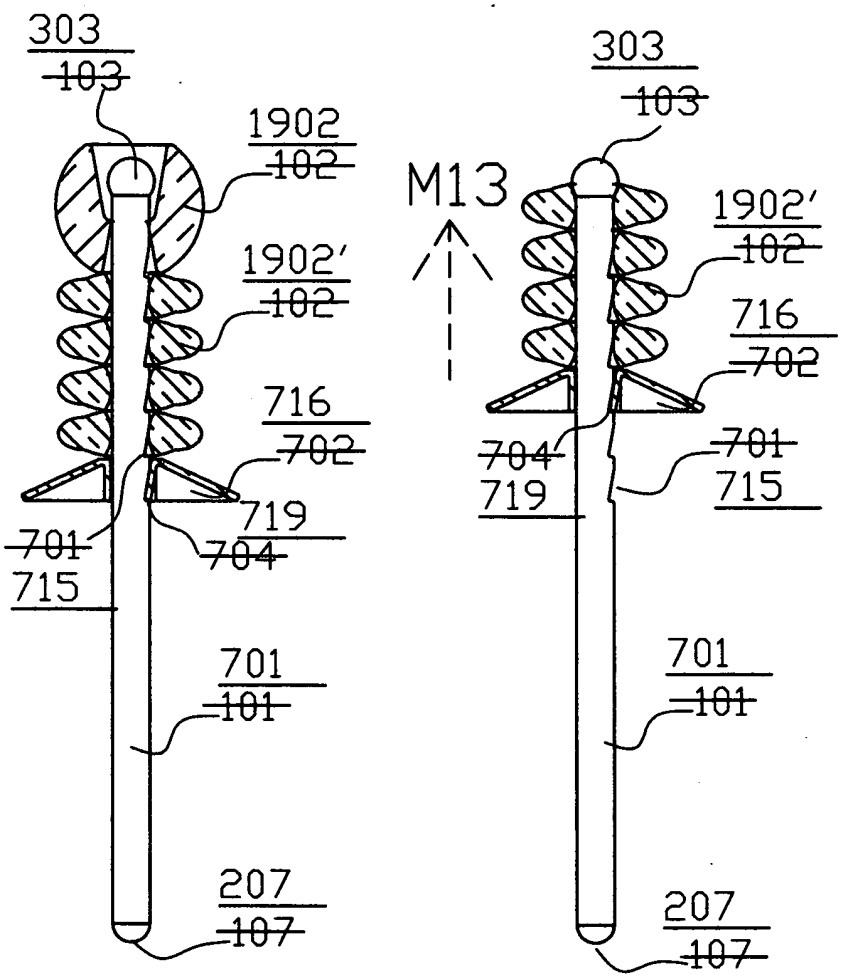
~~FIG. 22~~
FIG. 18

~~15/21~~ DELETED



~~FIG. 23~~ ~~FIG. 24~~

~~16/21~~ 13/17

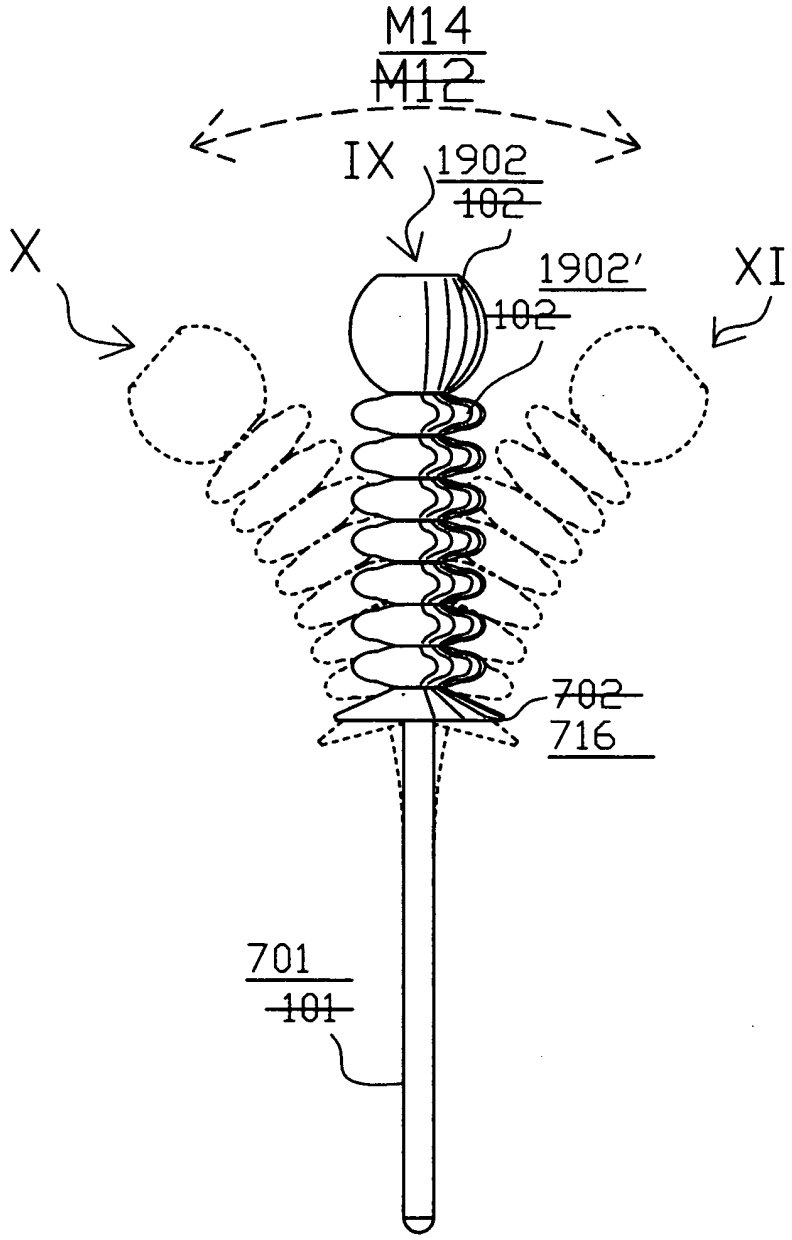


~~FIG. 25A~~
FIG. 19A

~~FIG. 25B~~
FIG. 19B

~~FIG.25~~ DELETED

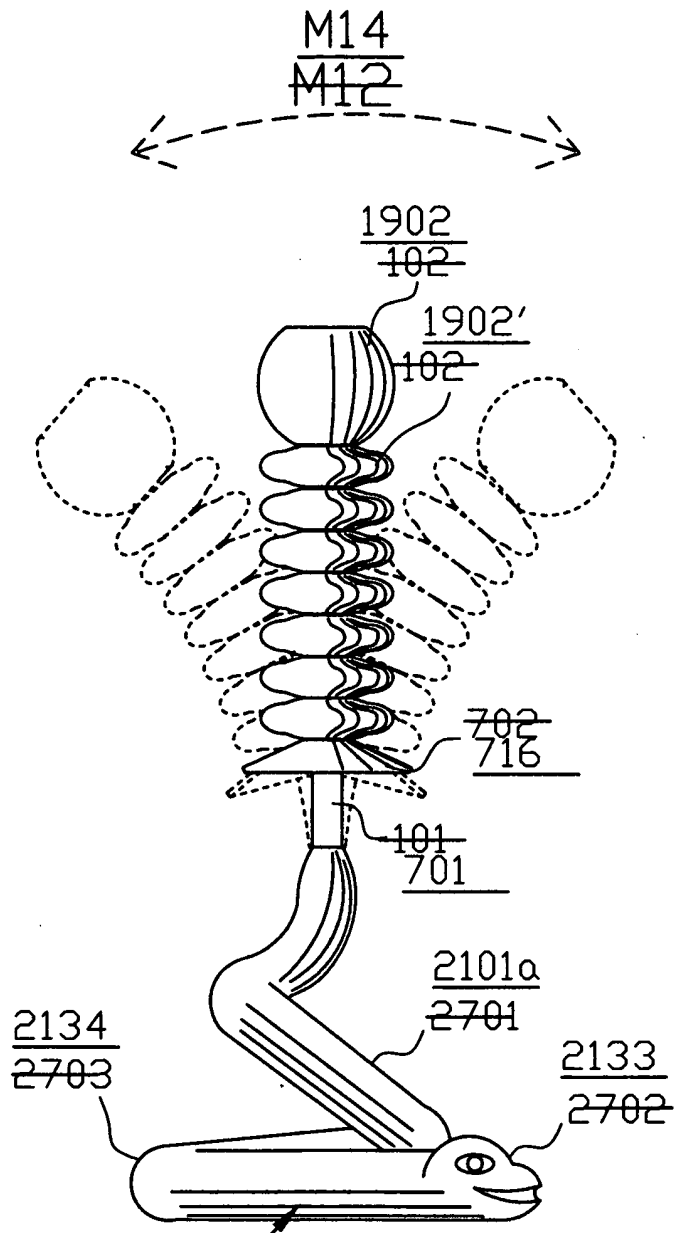
~~17/21~~ 14/17



~~FIG.26~~

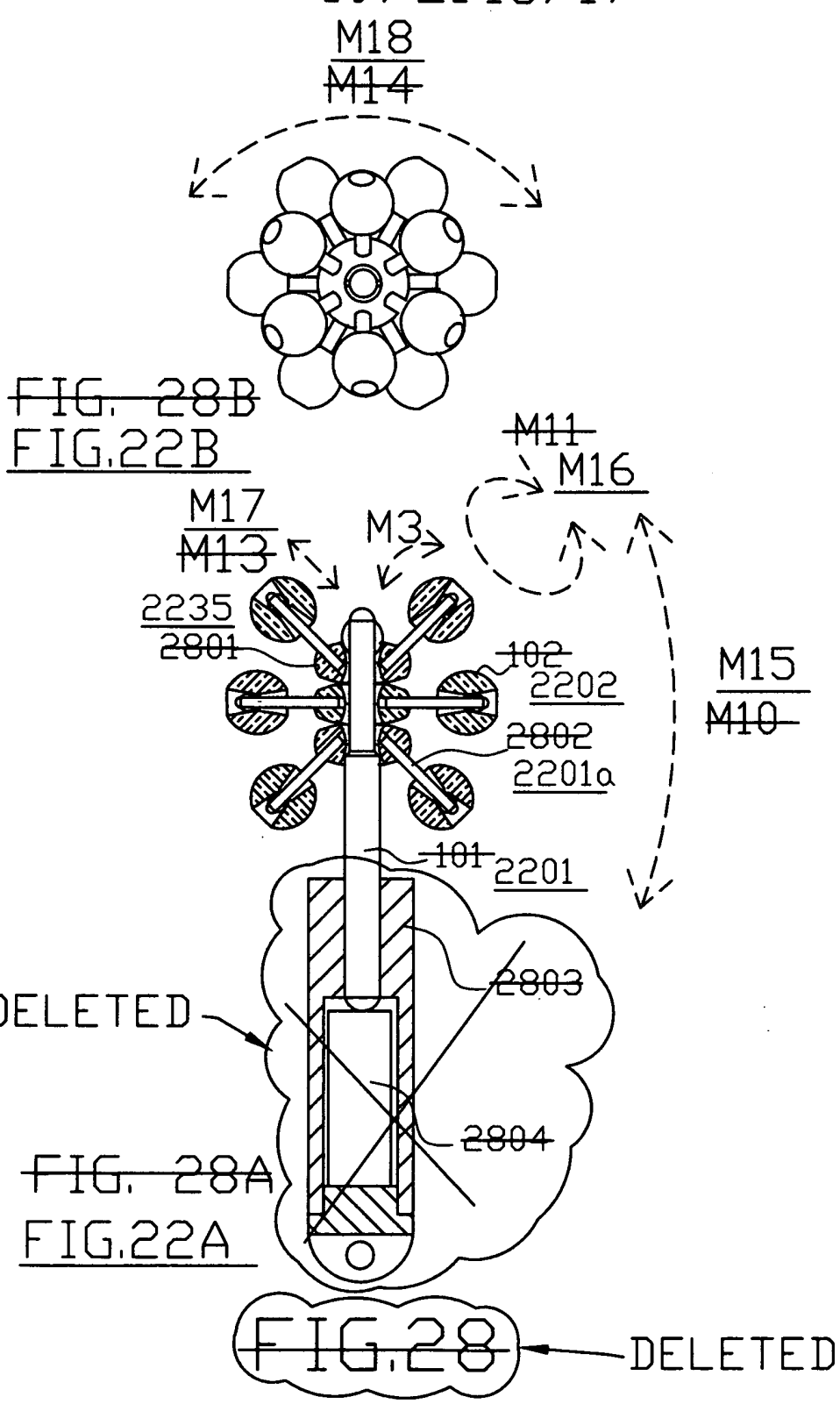
FIG. 20

~~18/21~~ 15/17



~~FIG.27~~
FIG.21

~~19/21~~ 16/17


M18
~~M14~~
~~FIG. 28B~~
FIG.22B
~~M11~~
M16
M17
~~M13~~
M3
2235
~~2801~~
~~102~~
2202
M15
~~M10~~
~~2802~~
2201a
~~101~~
2201
~~2803~~
DELETED
~~2804~~
~~FIG. 28A~~
FIG.22A
~~FIG.28~~
DELETED

~~20/21~~ DELETED

FIG.29

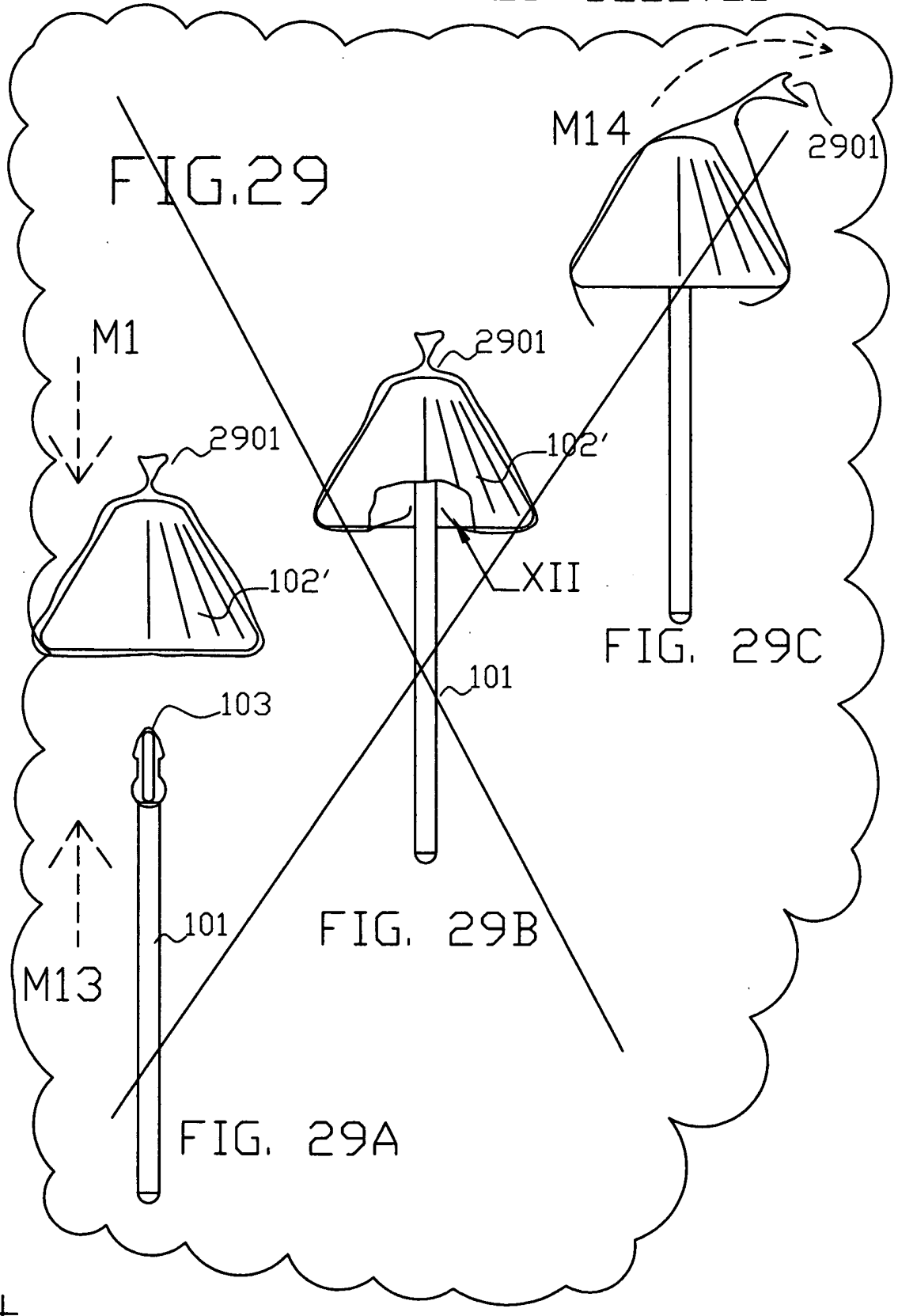
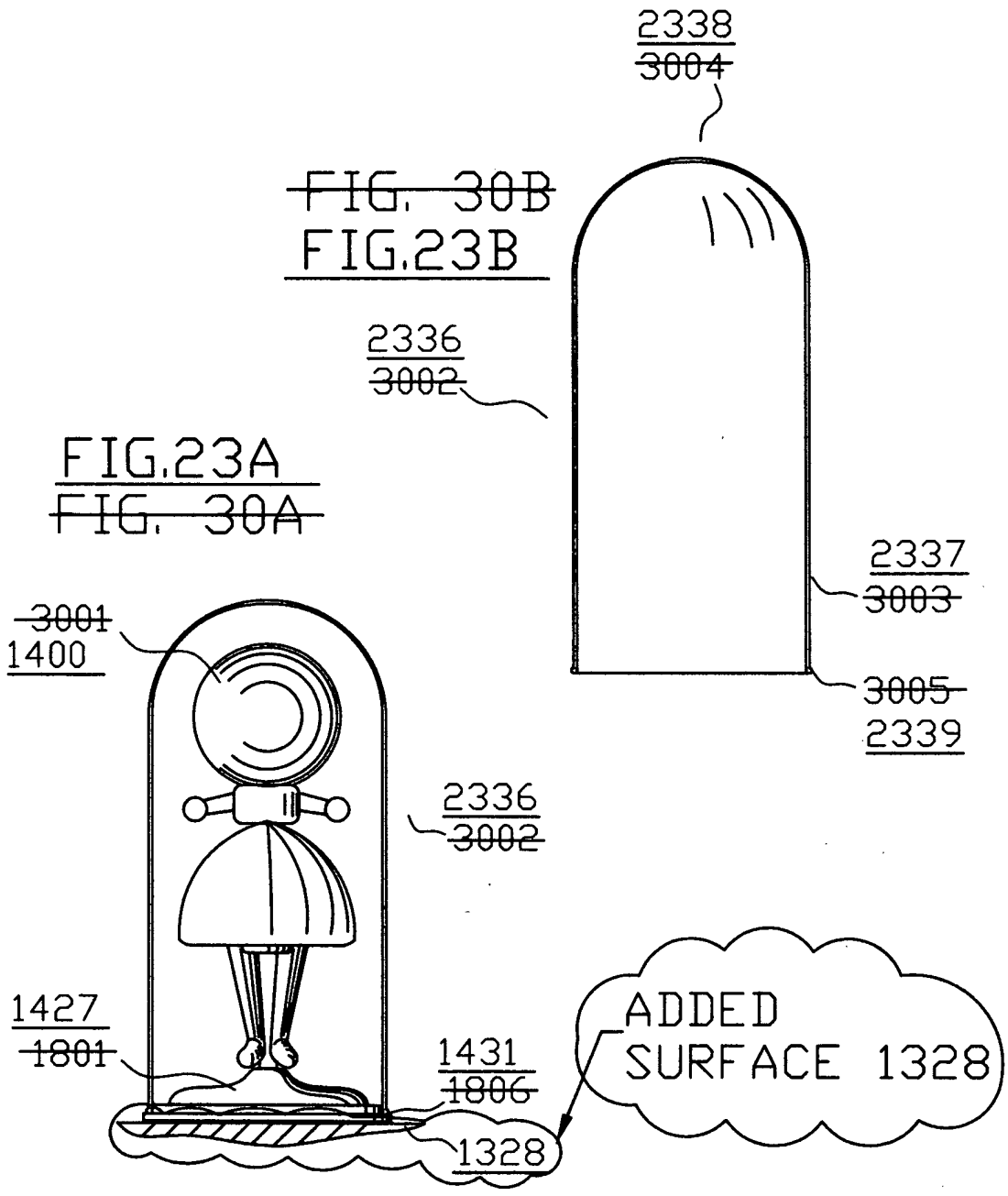


FIG. 29C

FIG. 29B

FIG. 29A

~~21/21~~ 17/17



~~FIG.30~~ DELETED